

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 5, 8, 13, and 14 remain pending, where claims 1-4, 6, 7, and 9-12 were previously canceled. By this communication, claims 5 and 13 are amended.

Rejections Under 35 U.S.C. §112

Claims 1 and 13 stand rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution claim 13 is amended to address the Examiner's concerns. Furthermore, Applicant notes that claim 1 was canceled without prejudice in a previous response filed on May 4, 2006. Thus, the rejection of claim 1 for indefiniteness appears to be in error. Applicant respectfully requests that this rejection be withdrawn.

Rejections Under 35 U.S.C. §101

Claim 13 stands rejected under 35 U.S.C. §101(e) for allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution, claim 13 is amended for clarity. As a result, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 5, 13, and 14 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by *Chui et al* (U.S. Patent Publication No. 2002/0021758). Applicant respectfully traverses this rejection.

Applicant's claims recite, among other features, an enlarged image generating part that is responsive to a request from said portable terminal containing a

coordinate of an enlargement reference point of said thumbnail image and an enlarging ratio relative to said thumbnail image, for generating an enlarged image corresponding to said enlargement reference point of said thumbnail image and said enlarging ratio relative to said thumbnail image (emphasis added).

After careful review, Applicant respectfully submits that *Chui* fails to disclose or suggest this feature, and thus fails to anticipate Applicant's claims.

Chui discloses a system in which a file structure includes a series of compressed sub-images. Each sub-image is made up of a series of blocks that contain the data associated with a 64x64 pixel block. Each block includes data that can be used to extract data for a smaller 32x32 block. During image capture and processing, a wavelet decomposition transform is successively applied to each tile of the image to convert the raw image data in the block to generate sets of transform coefficients or layers based on the resolution of the original image. See pgphs [0093]-[0098].

To display images, *Chui* discloses that a user on a client machine requests the download of an image from a server by moving a cursor over the image and clicking on an area within an image. The number of clicks performed over the image can determine the factor at which the requested image is enlarged. The user's action, each image file up to the resolution level specified by the user (number of clicks) is decompressed and dequantized. Then, the reconstructed transform coefficients are inverse transformed to reconstruct the image data at specified resolution level. The server sends the requested data to the client machine, and can provide this information with respect to a viewing window. See pgphs [0036], [0037], [0044], [0045], and [0237]. Stated differently, prior to the user request, the server

stores data of different layers or sizes and transmits the appropriate data to the user in response to the request.

Chui, however, fails to disclose or suggest that an enlarged image corresponding to said enlargement reference point of said thumbnail image and said enlarging ratio relative to said thumbnail image is **generated** in response to a request from a portable terminal, as recited in Applicants claims. Rather, *Chui* discloses that the image layer data is stored in memory prior to a user request to resize an image. Accordingly, *Chui* fails to establish *prima facie* anticipation.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Based on at least the foregoing discussion, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

Claim 8 stands rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Chui* in view of *Parulski et al* (U.S. Patent Publication No. 2003/0193603). Applicant respectfully traverses this rejection.

The PTO alleges that *Chui* discloses every element recited in claim 8 except for a printing device and a file stored in file storage and printed by said printing device as recited in the aforementioned claim. The Office relies on *Parulski* in an effort to remedy this deficiency.

Without acquiescing to the alleged teachings of *Parulski*, Applicant respectfully submit that this reference fails to remedy the deficiencies of *Chui* with respect to an enlarged image corresponding to said enlargement reference point of

said thumbnail image and said enlarging ratio relative to said thumbnail image is **generated** in response to a request from a portable terminal, as recited in Applicant's claim. At best, the combined teachings of *Chui* and *Parulski* disclose and/or suggest sending an enlarged image to a client machine based on image data that is previously stored in memory.

Applicant notes that the Office has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added). For at least the foregoing reasons, Applicant requests withdrawal of this rejection.

Conclusion

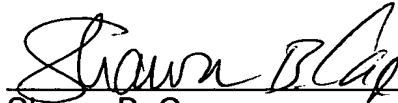
Based on at least the foregoing amendments and remarks, Applicant submits that claims 5, 8, 13, and 14 are allowable, and this application is in condition for allowance. Accordingly, Applicants requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 8, 2008

By:



Shawn B. Cage

Registration No. 51,522

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620